



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.[MD].Nos.5311, 5312, 5313, 5314, 5316, 5318, 5322, 5326,
5328,5330, 5331, 5337 and 5339 of 2021
and

W.M.P(MD).Nos.1826 of 2022, 4234, 4235, 4238, 4239, 4241, 4242,
4245, 4246, 4247, 4248, 4251, 4252, 4256, 4257, 4263, 4264, 4266,
4268, 4269, 4270, 4272, 4273, 4282, 4283, 4284 and 4285 of 2021

In W.P(MD) .No.5311 of 2021

S.Indira
D/o.E.S.Singh

... Petitioner

Vs.

1.The Additional Commissioner (Administration)
O/o. The Principal Secretary/Commissioner of
Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai.

2.The Joint Commissioner (ST),
Tiruchirapalli State Tax Division,
Tiruchirapalli.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the first respondent in Letter No.H3/11277/2018 dated 22.01.2021 and quash the same as illegal and unlawful.

1. Tamil Selvi.N	... Petitioner in WP(MD). 5312/ 2021
1. Indira.A	... Petitioner in WP(MD). 5313/ 2021
1. Santhi.M.S	... Petitioner in WP(MD). 5314/ 2021
1. Karpagarani.N	... Petitioner in WP(MD). 5316/ 2021
1. Kalavathi.P	... Petitioner in WP(MD). 5318/ 2021
1. Santhi.K	... Petitioner in WP(MD). 5322/ 2021
1. Rajagopal.V	... Petitioner in WP(MD). 5326/ 2021
1. Usha.T	... Petitioner in WP(MD). 5328/ 2021
1. Govindasamy.P	... Petitioner in WP(MD). 5330/ 2021
1. Senthamil Selvi.V	... Petitioner in WP(MD). 5331/ 2021



1. Rajendrakumar.M ... Petitioner in WP(MD). 5337/ 2021
1. Rajalakshmi.R ... Petitioner in WP(MD). 5339/ 2021

- Vs. -

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1. The Addl. Commissioner (Administration),
O/o. the Principal Secretary / Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai

2. The Joint Commissioner (ST)
Tiruchirapalli State Tax Division,
Tiruchirapalli

... Respondent(s) in WP(MD). 5312, 5314, 5316, 5318,
5322, 5537, 5326, 5328, 5330, 5331, 5337, 5339/ 2021

1.. The Addl. Commissioner (Administration), O/o. the Principal
Secretary / Commissioner of Commercial Taxes, Ezhilagam, Chepauk,
Chennai

2. The Joint Commissioner (ST) Tirunelveli State Tax Division,
Tirunelveli.

... Respondent(s) in WP(MD). 5313/ 2021

Common Prayer in all WP(MD)s:

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue an order or writ
or direction in the nature of Writ of Certiorari calling for the
records pertaining to the impugned order of the first respondent in
Letter No.H3/11277/2018 dated 22.01.2021 and quash the same as
illegal and unlawful and pass such further order or other orders as
this Hon' ble Court may deem fit and proper in the circumstances of
the case and thus render justice.

In all cases:

For Petitioner : Mr.Pooventhea Rajan
For Respondents : Mr.M.Ramesh
Government Advocate

C O M M O N O R D E R

The grievances of the writ petitioners are that the Special
Grade benefits granted to the writ petitioners are sought to be
recovered by way of letter dated 22.01.2021, without even issuing a
<https://hdservices.courts.gov.in/hdservice/>



show cause notice and opportunity to the writ petitioners.

2. Though the learned counsel for the writ petitioners made a submission in respect of the merits of the case, this Court is of an opinion that the same ought to be adjudicated by the Competent Authorities only after receiving the explanation / objections from the aggrieved employees. It is an established principle that an order affecting the service rights and conditions of the employees cannot be issued without providing an opportunity to all such employees.

3. In the present case on hand, the respondents are unable to establish that such an opportunity was provided or show cause notice was issued to these writ petitioners and therefore, it is a fit case for remand. Accordingly, the impugned order passed by the first respondent in Letter No.H3/11277/2018 dated 22.01.2021 is quashed.

4. The respondents are directed to issue show cause notice to all the writ petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the writ petitioners are directed to submit their objections / explanations along with the relevant orders or documents within a period of two weeks from the date of receipt of a copy of the show cause notice thereafter. The Competent Authorities shall consider the records and materials available and accordingly pass order on merits and in accordance with law within a period of twelve weeks thereafter.

5. Accordingly, the writ petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Additional Commissioner (Administration)
O/o. The Principal Secretary/Commissioner of
Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai.



2.The Joint Commissioner (ST),
Tiruchirapalli State Tax Division,
Tiruchirapalli.

3.The Joint Commissioner (ST)
Tirunelveli State Tax Division, Tirunelveli.

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+1 CC to M/s.SPL GP (SR-9722[F] dated 03/03/2022)

W.P.[MD].Nos.5311, 5312, 5313, 5314, 5316, 5318, 5322, 5326,
5328,5330, 5331, 5337 and 5339 of 2021
02.03.2022

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